

REMARKS

Amendments

Prior to this Response, Claims 1-24 were pending in this application. Claims 1-15 and 21-23 have been amended. Therefore, claims 1-24 remain presented for examination. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended in view of the following remarks.

35 U.S.C. §102 Rejection, Knauerhase et al.

The Office Action has rejected claims 1-21 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 6,345,303 to Knauerhase et al. (hereinafter "Knauerhase"). Applicants respectfully traverse as Knauerhase fails to disclose all of the recitations of the rejected claims.

Claim 1 recites a method for increasing transfer quality on a content distribution system. The distribution system comprises a client computer and a selector. One of a first source and a second source is automatically selected by the selector to supply the content object requested by the client computer. The first or second source is selected based at least in part on a preference which is based on transfer quality factors relating the client computer to the first and second sources. Applicants respectfully submit that these recitations of claim 1 are not taught or suggested by Knauerhase.

Knauerhase discloses methods and devices for dynamically chaining a network proxy to a selected destination device. Knauerhase, col. 1, ll. 45-47. As explained in Knauerhase, the network proxy routes requests from clients not connected to the Internet to a network server or other network proxy. Id. at col. 2, ll. 58-62. The network proxy may be part of the network server, a stand-alone computer, or a distributed system of computers. Id. at col. 3, ll. 1-5. This is the functionality typically performed by network proxies, with the only difference being in Knauerhase, the network proxy may dynamically select the server coupled to the Internet to service the client requests. Knauerhase gives three examples of criterion that may be used to select the network server or other network proxy: 1) the selection may be made based on the address of the client; 2) load status of the server or congestion on the network linkages from the proxy to the server; or 3) that the requested content has been cached on another device.

In contrast to claim 1, in Knauerhase, transfer quality factors from a client computer to a content source are not determined. Instead, the most that is disclosed is that a server may be selected based on the congestion of the links between the proxy and the server. Thus, transfer qualities from the client are not determined. Thus, the server (which is equated in the Office Action to the source) is not selected based at least in part on transfer quality factors relating the client to the first and second content sources.

Since Knauerhase fails to teach or suggest the recitations of claim 1 discussed above, Applicants respectfully submit that claim 1 is allowable. Claim 9 similarly recites analyzing transfer quality between the client and first and second sources and is accordingly also believed to be allowable for the reasons discussed above. Claims 2-7, 10-15 and 21 depend on claim 1 or 9 and are believed to be allowable for at least the same reasons.

Applicants also believe that claim 16 is allowable. Claim 16 recites requesting transfer of a content object from a selected transfer node which was selected based on client preference. As discussed above, Knauerhase fails to disclose selection of a transfer node based on client preferences. Thus, Applicants believe that claim 16 is allowable. Additionally, claim 16 further recites "ranking the first and second transfer nodes... based at least in part on a storage capacity of the transfer node." Applicants have carefully reviewed Knauerhase and can find no mention of this recitation of claim 16 or even any mention of storage capacities. Accordingly, Applicants respectfully submit that claim 16 and its dependent claims 17-20 are allowable.

35 U.S.C. §103 Rejection, Knaueerhase et al.

The Office Action has rejected claims 22-24 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,345,303 to Knauerhase et al. (hereinafter "Knauerhase"). These claims depend from claim 1, 9, or 16 and are believed to be allowable for at least the same reasons. Additionally, Applicants believe these claims are allowable for the additional recitations they recite. As understood by the Applicants, the Office Action is relying on Official Notice to disclose the recitations of these claims and to provide the motivation to combine. Applicants respectfully traverse the Official Notice and hereby request an express showing of documentary proof of these propositions as set forth in MPEP 2144.03.

Appl. No. 09/664,148
Amdt. dated April 21, 2004
Reply to Office Action of March 8, 2004

PATENT

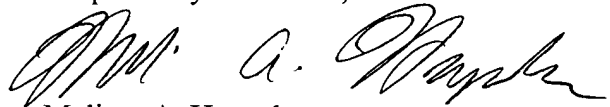
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

REQUEST FOR A TELEPHONE INTERVIEW

If there remains any issues of allowance with this application, the Applicants earnestly request the Examiner telephone the undersigned at 303-571-4000.

Respectfully submitted,



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